

### **REMARKS**

In the outstanding Office Action, the Examiner objected to claim 23; and rejected claims 1-15, and 23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,583,934 to Kramer ("Kramer").

By this amendment, Applicants amend claims 1 and 23. Claims 1-15 and 23 are currently pending.

### **Interview of March 9, 2005**

Applicants thank the Examiner for the courtesy of the interview conducted on March 9, 2005, the substance of which is summarized as follows:

Applicants' representatives, during the interview, submitted that there was at least one fundamental difference between Kramer and Applicants' claimed invention. Specifically, that Applicants' claimed invention includes a diffraction grating integrally formed in a first section, and the three sections are integrally formed in a single piece. This in contrast to Kramer, which forms the three pieces and the diffraction grating separately, and then joins them together. The Examiner maintained his position that by securing the diffraction grating and the multiple sections together, the structure of Kramer is formed into an integral structure, and thus is "integrally formed."

The Examiner suggested that Applicants file a Request for Continued Examination and amend the claims to highlight the method of integral formation in order to distinguish Applicants' claimed invention from Kramer. The Examiner did not guarantee that such an amendment would result in an allowance of the pending claims, and informed Applicants' representatives that any amendment would necessitate a new search by the Examiner.

### **Claim Rejections under 35 U.S.C. § 103**

Regarding the Examiner's rejection of claims 1-15, and 23 under 35 U.S.C. § 103(a) as being unpatentable over Kramer for the reasons disclosed on pages 2-7 of the Office Action, Applicants respectfully traverse this rejection for at least the reasons presented below.

To establish a *prima facie* case of obviousness under 35 U.S.C. §103(a), each of three requirements must be met. First, the reference or references, taken alone or combined, must teach or suggest each and every element recited in the claims. M.P.E.P. §2143.03. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of the three requirements must "be found in the prior art, and not be based on applicant's disclosure." M.P.E.P. § 2143. At a minimum, the Examiner cannot establish that the cited references teach or suggest each and every element recited in the claims or that a motivation exists to achieve the claimed combination. *See* M.P.E.P. §§ 2143.01 & 2143.03.

For example, Kramer fails to teach or suggest the claimed combination including "wherein the first section, the second section, the third section, and the diffraction grating are integrally formed in a single piece using a molding process," as recited in amended claim 1. Kramer teaches an optical wavelength selection apparatus, which may be used as a demultiplexer. Kramer, col. 19, lines 28-31. The apparatus 80 (see Figure 5) comprises a plurality of components, including diffraction grating 10, housing 100, and detector array 94. Diffraction grating 10 is produced from photoresist deposited on a substrate. Kramer, col. 7, lines 46-57. Diffraction grating is then incorporated into apparatus 80 and enclosed in housing 100, wherein all elements may be sealed together using epoxy or other similar sealant. Kramer,

col. 13, lines 31-35; col. 6, lines 19-22; col. 19, lines 3-9; col. 20, lines 13-20. Kramer, however, is silent to at least “wherein the first section, the second section, the third section, and the diffraction grating are integrally formed in a single piece using a molding process,” as recited in amended claim 1. Thus, the Examiner has not met the burden for establishing a *prima facie* case of obviousness. *See* M.P.E.P. § 2143.03.

Moreover, Kramer fails to teach the claimed combination including “means for separating an input light beam into constituent parts with a molded single piece component”, as recited in amended claim 23. As noted above, Kramer teaches an optical wavelength separation formed using a plurality of components encapsulated in a housing using epoxy. Diffraction grating 10 facilitates the separation of the input beam, and since this is formed outside apparatus 80 and later incorporated, Kramer is silent to at least “means for separating an input light beam into constituent parts with a molded single piece component”, as recited in amended claim 23. Thus, the Examiner has not met the burden for establishing a *prima facie* case of obviousness. *See* M.P.E.P. § 2143.03.

In light of the above-described deficiencies of Kramer, Applicants submit claims 1 and 23, and all claims that depend therefrom are patentable over the cited prior art.

Accordingly, Applicants respectfully request the rejection of claims 1-15, and 23 under 35 U.S.C. § 103(a) be withdrawn.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

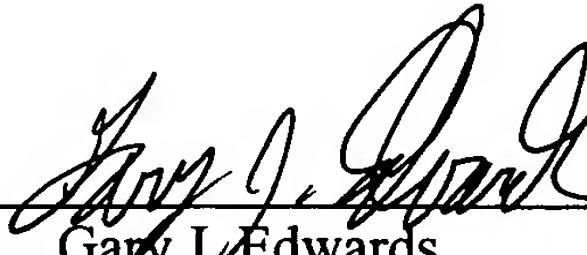
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

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Dated: May 2, 2005

By: \_\_\_\_\_

  
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